



Senate

General Assembly

File No. 670

January Session, 2003

Substitute Senate Bill No. 884

Senate, May 13, 2003

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING OUT-OF-STATE EDUCATIONAL PLACEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-151aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2003*):

3 Any state agency that places a child, as defined in section 17a-93, in
4 a residential facility or any local or regional board of education that
5 places a child in a residential facility in another state pursuant to
6 subsection (d) of section 10-76d, as amended by this act, shall enter
7 into a written agreement with the facility at the time of the placement.
8 Such written agreement shall establish clear standards for the child's
9 care and treatment, including, but not limited to, requirements for
10 monthly written reports concerning the child's care and treatment,
11 addressed to the state agency case worker or the representative of the
12 board of education overseeing the child's placement. The monthly
13 written reports shall set forth child-specific goals and expectations for

14 treatment and progress. The written agreement shall require the
15 facility to report promptly to the placing agency or board of education
16 any allegation that the child is abused or neglected, as defined in
17 section 46b-120, or any incident of abuse or neglect of an individual
18 placed in the facility. The placing agency or board of education shall
19 ensure that a discharge plan is initiated within two weeks of the child's
20 placement in the facility. A representative of the placing agency or
21 board of education shall make biannual in-person visits with children
22 placed in facilities in another state in order to assess the well being of
23 such children.

24 Sec. 2. Subsection (d) of section 10-76d of the general statutes is
25 repealed and the following is substituted in lieu thereof (*Effective July*
26 *1, 2003*):

27 (d) To meet its obligations under sections 10-76a to 10-76g, inclusive,
28 any local or regional board of education may make agreements with
29 another such board or subject to the consent of the parent or guardian
30 of any child affected thereby, make agreements with any private
31 school or with any public or private agency or institution, including a
32 group home to provide the necessary programs or services, but no
33 expenditures made pursuant to a contract with a private school,
34 agency or institution for such special education shall be paid under the
35 provisions of section 10-76g, unless (1) such contract includes a
36 description of the educational program and other treatment the child is
37 to receive, a statement of minimal goals and objectives which it is
38 anticipated such child will achieve and an estimated time schedule for
39 returning the child to the community or transferring such child to
40 another appropriate facility, (2) subject to the provisions of this
41 subsection, the educational needs of the child for whom such special
42 education is being provided cannot be met by public school
43 arrangements in the opinion of the commissioner who, before granting
44 approval of such contract for purposes of payment, shall consider such
45 factors as the particular needs of the child, the suitability and efficacy
46 of the program offered by such private school, agency or institution,
47 and the economic feasibility of comparable alternatives, and (3)

48 commencing with the 1987-1988 school year and for each school year
49 thereafter, each such private school, agency or institution has been
50 approved for special education by the Commissioner of Education or
51 by the appropriate agency for facilities located out of state, except as
52 provided in subsection (b) of this section. Notwithstanding the
53 provisions of subdivision (2) of this subsection or any regulations
54 adopted by the State Board of Education setting placement priorities,
55 placements pursuant to this section and payments under section 10-
56 76g may be made pursuant to such a contract if the public
57 arrangements are more costly than the private school, institution or
58 agency, provided the private school, institution or agency meets the
59 educational needs of the child and its program is suitable and
60 efficacious. Notwithstanding the provisions of this subsection to the
61 contrary, nothing in this subsection shall (A) require the removal of a
62 child from a nonapproved facility if the child was placed there prior to
63 July 7, 1987, pursuant to the determination of a planning and
64 placement team that such a placement was appropriate and such
65 placement was approved by the Commissioner of Education, or (B)
66 prohibit the placement of a child at a nonapproved facility if a
67 planning and placement team determines prior to July 7, 1987, that the
68 child be placed in a nonapproved facility for the 1987-1988 school year.
69 Each child placed in a nonapproved facility as described in
70 subparagraphs (A) and (B) of subdivision (3) of this subsection may
71 continue at the facility provided the planning and placement team or
72 hearing officer appointed pursuant to section 10-76h determines that
73 the placement is appropriate. Expenditures incurred by any local or
74 regional board of education to maintain children in nonapproved
75 facilities as described in said subparagraphs (A) and (B) shall be paid
76 pursuant to the provisions of section 10-76g. Any local or regional
77 board of education may enter into a contract with the owners or
78 operators of any sheltered workshop or rehabilitation center for
79 provision of an education occupational training program for children
80 requiring special education who are at least sixteen years of age,
81 provided such workshop or institution shall have been approved by
82 the appropriate state agency. Whenever any child is identified by a

83 local or regional board of education as a child requiring special
 84 education and said board of education determines that the
 85 requirements for special education could be met by a program
 86 provided within the district or by agreement with another board of
 87 education except for the child's need for services other than
 88 educational services such as medical, psychiatric or institutional care
 89 or services, said board may meet its obligation to furnish special
 90 education for such child by paying the reasonable cost of special
 91 education instruction in a private school, hospital or other institution
 92 provided said board or the commissioner concurs that placement in
 93 such institution is necessary and proper and no state institution is
 94 available to meet such child's needs. Each local or regional board of
 95 education that places a child in a residential facility in another state
 96 pursuant to this subsection shall comply with the provisions of section
 97 17a-151aa, as amended by this act.

98 Sec. 3. (NEW) (*Effective July 1, 2003*) The Department of Education
 99 shall establish a database for the purpose of tracking all children
 100 placed in residential facilities in other states by local or regional boards
 101 of education. Such local or regional boards of education shall report
 102 monthly to the Department of Education on the placement, progress
 103 and plan for each child placed in such a facility.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>

KID	<i>Joint Favorable C/R</i>	ED
ED	<i>Joint Favorable Subst. C/R</i>	APP
APP	<i>Joint Favorable</i>	

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Education, Dept.	GF - Cost	Significant	Significant
Children & Families, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Local and Regional School Districts	STATE MANDATE - Cost	Indeterminate	Indeterminate

Explanation

This bill results in a cost (state mandate) to local and regional school districts by mandating biannual visits to children placed in out-of-state facilities for special education purposes along with monthly reports to the State Department of Education concerning such students. There are over 400 students placed by local and regional school districts in out-of-state facilities. The method chosen in visiting students whether by actual school district employees or by designated representatives will determine the local cost. Because special education costs are in part reimbursed by the state there will also be a cost to the Department of Education.

It is anticipated that the Department of Children and Families will be able to ensure the performance of the mandated biannual visits within its anticipated budgetary resources.

Additionally the establishment and maintenance of a database to track special education students placed out-of-state will result in a cost to the State Department of Education. It is anticipated that there will be one-time start-up costs of approximately \$50,000 and ongoing costs

of \$25,000 per year needed to meet the database requirements. No funding is included in the biennial budget as recommended by the Appropriations Committee for this purpose.

OLR Bill Analysis

sSB 884

AN ACT CONCERNING OUT-OF-STATE EDUCATIONAL PLACEMENTS**SUMMARY:**

This bill requires any local or regional school board that places a child up to age 21 in an out-of-state residential facility for special education to enter into a written agreement with the facility when the child is placed. The agreement must establish clear standards for the child's care and treatment, which, at a minimum, must include monthly written reports about that care and treatment. These reports must also lay out goals and expectations for the child's treatment and progress. They must be sent to the school board representative overseeing the child's placement. The agreement must require the facility to report promptly to the board allegations of abuse or neglect of the child or any other child in the facility. The board must ensure that the facility begins a discharge plan within two weeks of the child's placement. The same requirements already apply to state agencies that place children in out-of-state facilities.

The bill requires school boards and state agencies to send a representative to visit the child at least twice a year to assess his well-being.

Finally, the bill requires the State Department of Education to establish a data base to track children school boards place in out-of-state facilities. It requires boards to report monthly to the department on the placement, plan, and progress of each child in such facilities.

EFFECTIVE DATE: July 1, 2003

BACKGROUND***Related Bill***

sSB 1127 (File 344) repeals a section of statute (CGS § 17a-93) that defines child for the purposes of this bill as a person up to age 18 unless he or she is a full-time student, in which case, up to age 21. sSB

1127 defines child as a person up to age 16, unless otherwise specified. If both bills were to pass, this bill (sSB 884) and the existing law covering state agencies would apply to children only up to age 16.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 13 Nay 0

Education Committee

Joint Favorable Substitute Change of Reference

Yea 28 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 48 Nay 1